

## **REMARKS**

Claims 1, 2, 6-11, and 13-17 are pending in the application, with claims 1 and 11 being independent claims.

Independent claim 1 for instance calls for the game device to be standardized. The game card includes game information required by the lottery game programmed in the game device computer in order to initiate and complete a single play of the lottery game represented by the game card. This game information includes the type of game to be played and the outcome of the game, including the prize award for the single lottery game play. The game information is contained in printed conductive elements on the game card which include at least one impedance and the game device has a standardized, hard-wired configuration that responds an electronic signature generated by the various patterns of the printed conductive elements, including the at least one impedance, so as to conduct the particular lottery game that is contained on the game card, including the outcome and prize award for the game. The game device relies solely on the configuration of the printed conductive elements on the card and does not rely on retrieval of other game information that is particular to that game card. In other words, the game device does not include a library of game results that are unique to particular game cards, whereby the game device would have to associate a validation code or other identification number with a stored game result. Amended claim 1 further sets forth that the outcome of the game is predetermined solely by the information on the game card and is not stored in or downloaded to the game device.

Thus, it should be appreciated that the game device is a standardized hand-held computing device that contains instructions for play of different types of lottery games.

However, the game device need not be periodically downloaded with updates or store the results, including the prize award, for any particular lottery game that may be represented by one of the game tickets. The game device is hardwired to respond to particular configurations of circuit elements on the tickets, with the unique patterns or variations of circuit elements, including the impedance(s), providing all of the information that is needed by the game device in order to play the game and indicate to the player whether or not the ticket is a winning play, as well as the prize award for such play.

Thus, many advantages are obtained by standardizing the EVMs with the same hardware and software configurations. The devices can be manufactured at low cost, and can even be given away. The EVMs can play different types of games based solely on the information provided by the electronic signatures/circuits contained on the game tickets. The devices are not downloaded with results particular to any game or game ticket. Further, the use of an electronic signature generated in part by the impedance contained in the printed conductive elements further allows for cost efficiency as the electronic signature, to which the EVM responds, can be modified by rearranging the circuit elements and impedance(s) on tickets via methods such as laser cutting. Thus, modification to the EVM is unnecessary and changes to game play, prize structures, etc., can be made in a centralized facility when the tickets are generated rather than requiring the user to perpetually update the EVM via upgrades or by purchasing new models. Independent claims 1 and 11 are amended herein to more patentably define these unique features.

The system of independent claim 11 is similarly amended and reflects the distinctions set forth above with respect to independent claim 1.

Independent claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as unpatentable over Dietz '042 in view of Marino '797. Applicant respectfully submits that the claims as amended and presented herein patentably define over the new combination of references, as discussed in detail below.

Claims 1 and 11 as amended require, *inter alia*, that the game device(s) has a standardized hard-wired configuration that responds to either electronic signatures or data generated by the various patterns of said printed circuit elements including the at least one impedance so as to conduct a plurality of different types of games. Respectfully, however, neither Dietz '042 nor Marino '797 disclose a game device that has a standardized hard-wired configuration that responds to electronic signatures or data generated by the various patterns of printed circuit elements including the at least one impedance. Nor do they disclose forming either an electronic signature or data based in part on the presence of an impedance in a pattern of printed circuits.

The Office Action reasons that Deitz '042 discloses using an impedance through the use of metallic ink which the Office Action contends "imparts a characteristic impedance (resistance)." (02/23/10 Office Action, p. 9.) Respectfully, however, Dietz '042 simply discloses that

. . . where the inserted validation code 24 is not visible when placed under the validation code reader, other types of validation code 24 printing and validator code readers can be used to still allow the validation code to be read. For example, **the validation code 24 could be printed on the inside of the pull-tab card 10 with a metallic ink and then sensed with a validation code reader 78 which uses x-rays.**

(Col. 7, ll. 5-12.)

Respectfully, Dietz '042 fails to disclose the use of an impedance characteristic of the metallic ink to encode values into an electronic signature that is then de-coded by a game device. It simply discloses that metallic ink is employed in order to be visible to a reader employing x-rays. This failing is not remedied by combination with Marino '797. Accordingly, the suggested combination fails to disclose all the limitations of claims 1 and 11.

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as unpatentable over Irwin '200 in view of Marino '797. Respectfully, however, Irwin '200 fails to disclose all the limitations of Applicants' claims. Further, modification of Irwin '200 to allow game play destroys the intended purpose of the reference.

Irwin '200 discloses an electronic validation device for use with lottery tickets having a scratch-off coating that includes a conductive material. The validation machine includes an excitation circuit for applying an excitation signal to the ticket and a validation circuit responsive to the excitation signal for determining the location of the scratch-off coating on the ticket. (Col. 3, ll. 13-20.) Irwin '200 explains repeatedly that **the purpose of the invention is to validate lottery tickets that have already been played** in order to ascertain whether the card has been tampered with by the player.

Quite simply, Irwin '200 fails to disclose all the limitations of Applicants' claims by not allowing the player to play the game(s) contained on the lottery ticket on a game device. The Office Action clearly ignores the limitations in claims 1 and 11 that claim "a game device(s)" "wherein connection of said game card to said interface permits a player to initiate play of said game" and that the player can "initiate and complete a single play of the lottery game" on the electronic game device.

Irwin '200 discloses a validation machine which scans previously played lottery tickets to determine if they have been subjected to tampering or modification. It does not permit the user to play games contained on the lottery ticket nor does it allow input from the user. Accordingly, Irwin '200 fails to disclose all the limitations of Applicants' claims and this is not remedied by combination with Marino '797.

Furthermore, the suggested modification of Irwin '200 to permit game play would destroy the intended purpose of the reference. Irwin '200 intends **to examine a previously played lottery ticket** in order to determine if the player tampered with or modified the ticket. One would not combine this with Marino '797 which discloses a multi-function electronic lottery device intended for gameplay. Thus, one skilled in the art would not make the combination of Irwin '200 with Marino '797 as suggested by the Office Action. Therefore, the rejection of claims 1 and 11 based on these references should be withdrawn and the claims allowed.

Further, with respect to secondary reference Marino '797 cited by the Office Action as teaching a hand-held multi-function lottery device, applicants have carefully considered this reference, and it is unrelated to the type of hand-held device set forth in independent claims 1 and 11, and provides no suggestion, motivation, or other reason to reconfigure the device of Dietz '042 or Irwin '200 in accordance with the present claims.

Accordingly, applicant respectfully submits that independent claim 1 patentably distinguishes over the cited combination of references, and is allowable. Claims 2, and 6-10 only further patentably define the unique combination of elements set forth in claim 1, and are thus also allowable. Likewise, the apparatus of claim 11 patentably


distinguishes over the cited combination of references for the reasons set forth above.

Claims 13-17 only further patentably define the unique combinations of claim 11 and are thus also allowable. Moreover, none of the suggested combinations disclose the limitations of claims 8 and 9 which require, *inter alia*, an impedance.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information. Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

By:   
Stephen E. Bondura  
Registration No.: 35,070

P.O. Box 1449  
Greenville, SC 29602-1449  
(864) 271-1592  
fax (864) 233-7342